



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,960	12/21/2000	Mika Leppinen	05288.00002	6297

22907 7590 08/21/2003

BANNER & WITCOFF  
1001 G STREET N W  
SUITE 1100  
WASHINGTON, DC 20001

EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
----------	--------------

2683

DATE MAILED: 08/21/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/740,960

Applicant(s)

LEPPINEN ET AL.

Examiner

Brandon J Miller

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Alanara.

Regarding claim 1 Alanara teaches backing-up data in a wireless network, selecting data within a wireless device for backup in a storage area, the storage area being accessible by the wireless client device through the wireless network; encrypting the selected data; and sending the encrypted data to the storage unit (see col. 2, lines 23-34 & 50-53, col. 4, lines 5-10 & 34-37, and col. 5, lines 59-66).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 18-21, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara in view of Linden.

Art Unit: 2683

Regarding claim 2 Alanara teaches a device as recited in claim 1 except for sending the encrypted data to the storage area using a Wireless Application Protocol (WAP) technique. Alanara does teach sending encrypted data to a storage area (see col. 5, lines 58-66). Linden teaches sending information using a Wireless Application Protocol (WAP) technique (see col. 5, lines 15-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include sending the encrypted data to the storage area using a Wireless Application Protocol (WAP) technique because this would allow for data transmission between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 3 Alanara teaches a device as recited in claim 1 except for sending the encrypted data to a storage area including the steps of encapsulating the encrypted data within a SyncML document. Alanara does teach sending encrypted data to a storage area (see col. 5, lines 58-66). Linden teaches encapsulating coded data within a wireless mark-up language (see col. 2, lines 4-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include sending the encrypted data to a storage area including the steps of encapsulating the encrypted data within a SyncML document because this would allow for secure data transmission between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 18 Alanara teaches a wireless terminal with a memory storing data, a backup module encrypting selected data, and a backup application sending the encrypted selected data to a storage area that is accessible to a wireless terminal device through a wireless network (see abstract, col. 2, lines 23-34 & 50-53, col. 4, lines 5-10 & 34-37, and col. 5, lines 59-

Art Unit: 2683

66). Alanara does not teach a browser that allows a user to select data for backup storage.

Linden teaches a browser that is used in a wireless device to control a user interface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a browser that allows a user to select data for backup storage because this would allow for a wireless device with capabilities to function as a portable computer or electronic notebook.

Regarding claim 19 Linden teaches a browser that is a Wireless Application Protocol (WAP) browser (see col. 2, lines 1-11).

Regarding claim 20 Alanara teaches encrypted data that is sent to a storage area (see col. 2, lines 25-30 and col. 5, lines 40-42 & 59-64). Linden teaches using a Wireless Application Protocol (WAP) (see col. 2, lines 4-10).

Regarding claim 21 Alanara and Linden teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 27 Alanara teaches downloading encrypted data from a storage area (see col. 5, lines 40-42 & 59-64). Linden teaches sending information using a Wireless Application Protocol (WAP) technique (see col. 5, lines 15-20).

Claims 4, 6-8, 10-11, 13-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara in view of Caldwell.

Regarding claim 4 Alanara teaches a device as recited in claim 1 except for sending the encrypted data to a storage area including the steps of encapsulating the encrypted data within an XML document. Alanara does teach sending encrypted data to a storage area (see col. 5, lines 58-66). Caldwell teaches encapsulating coded data within an XML document (see col. 3, lines

Art Unit: 2683

34-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include sending the encrypted data to a storage area including the steps of encapsulating the encrypted data within a XML document because this would allow for secure data transmission between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 6 Caldwell teaches encrypting selected data using a public key (see col. 3, lines 50-55).

Regarding claim 7 Alanara teaches a device as recited in claim 6 except for a public key that is specifically supplied by a Wireless Identity Module (WIM). Caldwell does teach a public key that is supplied with network addresses on a wireless network (see col. 3, lines 51-55 and col. 13, lines 44-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include public key that is supplied by a Wireless Identity Module (WIM) because would allow for secure access between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 8 Alanara teaches downloading encrypted data from a storage area (see col. 5, lines 40-42 & 59-64). Caldwell teaches decrypting the encrypted data (see col. 3, lines 51-54).

Regarding claim 10 Caldwell teaches decrypting the encrypted data using a private key (see col. 3, lines 51-55).

Regarding claim 11 Alanara teaches accessing backed-up data in a wireless network from a wireless device, downloading backed-up data fro a storage area, the backed-up data containing encrypted data and the storage area being accessible by a wireless client device through a

Art Unit: 2683

wireless network (see col. 2, lines 23-34 & 50-53, col. 4, lines 5-10 & 34-37, and col. 5, lines 59-66). Alanara does not teach decrypting downloaded backed-up data. Caldwell teaches decrypting the encrypted data (see col. 3, lines 51-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include decrypting downloaded backed-up data because this would allow for secure data transmission between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 13 Caldwell teaches decrypting the encrypted back-up data using a private key (see col. 3, lines 51-55).

Regarding claim 14 Caldwell teaches a device as recited in claim 13 except for a private key that is supplied by a Wireless Identity Module (WIM). Caldwell does teach a private key that is supplied with network addresses on a wireless network (see col. 3, lines 51-55 and col. 13, lines 44-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a private key that is supplied by a Wireless Identity Module (WIM) because would allow for secure access between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 16 Caldwell teaches data that is embedded in an XML document (see col. 3, lines 34-38).

Claims 9, 12, 15, 22, 24-26, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara in view of Caldwell and Linden.

Regarding claim 9 Alanara and Caldwell teach a device as recited in claim 8 except for downloading encrypted data from a storage area using a WAP technique. Alanara does teach

Art Unit: 2683

downloading encrypted data from a storage area (see col. 5, lines 40-42 & 59-64). Linden teaches sending information using a Wireless Application Protocol (WAP) technique (see col. 5, lines 15-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include downloading encrypted data from a storage area using a WAP technique because this would allow for wireless transmission between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 12 Alanara and Caldwell teach a device as recited in claim 11 except for downloading backed-up data from a storage area using a WAP technique. Alanara does teach downloading backed-up data from a storage area (see col. 5, lines 40-42 & 59-64). Linden teaches sending information using a Wireless Application Protocol (WAP) technique (see col. 5, lines 15-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include downloading backed-up data from a storage area using a WAP technique because this would allow for wireless transmission between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 15 Alanara and Caldwell teach a device as recited in claim 11 except for backed-up data embedded within a SyncML document. Linden teaches data embedded within a wireless mark-up language (see col. 2, lines 4-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include backed-up data embedded within a SyncML document because this would allow for secure data

Art Unit: 2683

transmission between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 22 Alanara and Caldwell teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 24 Caldwell teaches a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 25 Alanara and Caldwell teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 26 Alanara, and Linden teach a device as recited in claim 18 except for downloading encrypted data from a storage area, with a restore module that decrypts encrypted data. Alanara does teach downloading encrypted data from a storage area (see col. 5, lines 40-42 & 59-64). Caldwell teaches decrypting encrypted data (see col. 3, lines 49-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include downloading encrypted data from a storage area, with a restore module that decrypts encrypted data because this would allow for data transmission between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 28 Caldwell teaches a device as recited in claim 10 and is rejected given the same reasoning as above.

Regarding claim 29 Alanara and Caldwell teach a device as recited in claim 14 and is rejected given the same reasoning as above.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara in view of Soini.

Art Unit: 2683

Regarding claim 5 Alanara teaches a device as recited in claim 1 except for a wireless device that is one of a wireless telephone handset and a personal digital assistant. Soini teaches a wireless device that is one of a wireless telephone handset and a personal digital assistant (see col. 5, lines 60-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a wireless device that is one of a wireless telephone handset and a personal digital assistant because this would allow for a multi-service communication device with data storing properties.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara in view of Caldwell and Soini.

Regarding claim 17 Alanara and Caldwell teach a device as recited in claim 11 except for a wireless device that is one of a wireless telephone handset and a personal digital assistant. Soini teaches a wireless device that is one of a wireless telephone handset and a personal digital assistant (see col. 5, lines 60-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a wireless device that is one of a wireless telephone handset and a personal digital assistant because this would allow for a multi-service communication device with data storing properties.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara in view of Linden and Soini.

Regarding claim 23 Alanara and Linden teach a device as recited in claim 18 except for a wireless device that is one of a wireless telephone handset and a personal digital assistant. Soini teaches a wireless device that is one of a wireless telephone handset and a personal digital assistant (see col. 5, lines 60-65). It would have been obvious to one of ordinary skill in the art

Art Unit: 2683

at the time the invention was made to make the invention adapt to include a wireless device that is one of a wireless telephone handset and a personal digital assistant because this would allow for a multi-service communication device with data storing properties.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suzuki U.S Patent No. 6,539,461 discloses a data saving method and external storage device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

\*\*\*

August 14, 2003



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600